

BOISE, IDAHO, WEDNESDAY, JANUARY 11, 2023, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

DOUGLAS A. BAGBY,

Plaintiff-Appellant,

V.

JOSEPH D. DAVIS, HILARY DAVIS,

Defendants-Respondents.

Docket No. 49136

Appeal from the District Court of the Fifth Judicial District of the State of Idaho, Blaine County. Ned C. Williamson, District Judge.

Law Offices of Douglas A. Bagby, Los Angeles, CA, for Appellant. Pro Se.

Luboviski, Wygle, Fallowfield & Ritzau, P.A, Ketchum, for Defendant-Respondent Joseph D. Davis.

Stanek Law, PLLC, Hailey, for Defendant-Respondent Hilary Davis.

Benedon & Serlin, LLP, Woodland Hills, CA, for Respondents Joseph D. Davis and Hilary Davis.

This case arises following a bench trial in which Appellant Douglas Bagby argued a transaction between Respondents Joseph and Hilary Davis was intended to hinder, delay, or defraud Bagby in his ability to collect on a \$5 million dollar judgment that Bagby received against Joseph. Joseph, a personal injury attorney then living in California, represented Bagby in an action to recover for serious injuries Bagby suffered in a motorcycle accident. Following this litigation, Bagby sued Joseph for legal malpractice and obtained a default judgment against him.

Years prior to Bagby's injury, Joseph and Hilary filed for divorce. The divorce was still ongoing at the time Bagby sued Joseph. A few months following the default judgment, Joseph and Hilary met in Ketchum, Idaho, where they executed deeds transferring Joseph's one-half interest in a home there (the "Ketchum House") to Hilary.

Bagby sued Joseph and Hilary, seeking to have the transaction voided because he argued the transfer was intended to hinder, delay, or defraud him in his ability to collect on the default judgment. Joseph and Hilary contended the transaction was part of their divorce settlement because Hilary orally agreed to release claims she had against Joseph in exchange for his one-half interest in the Ketchum House. Following a bench trial, the district court found in favor of Joseph and Hilary. The district court concluded that Bagby failed to prove that the transfer was intended to hinder, delay, or defraud Bagby or that Joseph had not received reasonably equivalent value in

exchange for his interest in the Ketchum House. Bagby appeals many of the district court's factual findings, arguing they are not supported by substantial and competent evidence. Bagby also asserts that the district court erred by not properly scrutinizing Joseph and Hilary's testimony at trial regarding the transfer of the Ketchum House.